

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KHADEJAH AHMED  
on behalf of herself and all others  
similarly situated,

Plaintiff,

v.

HARRY FREEZE  
d/b/a Flashers and  
6420 ROSWELL RD. INC.,

Defendants.

CIVIL ACTION NO.  
1:13-CV-2757-RWS

**ORDER**


This case is before the Court for consideration of Defendants' Motion for an Order Compelling Arbitration on an Individual Basis, Motion Striking Class Allegations, Motion Staying or Dismissing Action Pending Arbitration and Motion Staying Discovery [17] and Plaintiff's Motion to Hold Motion to Compel Arbitration in Abeyance [20]. After reviewing the record, the Court enters the following Order.

Plaintiff brought this action on behalf of herself and others similarly situated seeking to recover minimum wages and overtime Defendants allegedly

failed to pay in violation of the Fair Labor Standards Act (“FLSA”). Defendants have filed a motion requesting that the case be dismissed or stayed pending arbitration of Plaintiff’s claim. Defendants assert that they adopted an arbitration policy by which Plaintiff is bound based upon her having continued to work after being informed of the policy. Plaintiff denies any knowledge of the policy and therefore asserts that her claim is not subject to arbitration. Plaintiff requests an opportunity for limited discovery regarding the arbitration policy before that issue is tried.

Based on the present record, the Court finds that there is a genuine issue of material fact regarding the applicability of the arbitration policy to Plaintiff. Therefore, the Court concludes that a trial of that issue is required. 9 U.S.C. § 4. The Court also concludes that limited discovery by Plaintiff is appropriate. Specifically, Defendants are required to respond to Requests for Admissions 1, 2, 3, and 4 and Interrogatories No. 3, 4, and 5. Defendants shall file their responses within thirty (30) days and the Clerk shall set the case for a jury trial on the limited issue of whether Plaintiff is subject to Defendants’ arbitration policy. With the foregoing exceptions, the case is **STAYED** pending resolution of the arbitration issue.

**SO ORDERED**, this 18th day of February, 2015.

  
**RICHARD W. STORY**  
United States District Judge